

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, individually, and on behalf §
of a class of others similarly situated, §

Plaintiffs, §

v. §

Case No. 1:08cv-00248-SS

DELL INC., §
and §

DELL MARKETING USA L.P., §

Defendants. §

**AGREED/UNOPPOSED MOTION TO EXTEND DISCOVERY
DEADLINE AND RESPONSE AND REPLY DATES RELATED TO
PLAINTIFFS' ANTICIPATED MOTION FOR CERTIFICATION**

COMES NOW Dell Inc. and Dell Marketing USA L.P., Defendants, and file this Agreed/Unopposed Motion to Extend Discovery Deadline and Response and Reply Dates Related to Plaintiffs' Anticipated Motion for Certification. Defendants will show the Court the following:

1. The Court signed a Scheduling Order on July 7, 2008. The Scheduling Order states that the parties should complete discovery related to Plaintiffs' Anticipated Motion for Certification on or before October 24, 2008, that Plaintiffs shall file their Motion for Certification by November 3, 2008, that Defendants shall file their Response to Plaintiffs' Anticipated Motion for Certification no later than December 4, 2008 (or 30 days after filing of Plaintiffs' Motion if filed before November 3, 2008), and Plaintiffs' Reply shall be filed no later than December 19, 2008 (or 15 days after Defendants' Response is filed if Plaintiffs' Motion is filed before November 3, 2008).

2. The parties have exchanged written discovery. However, due to difficulties with lawyer schedules, the parties have not been able to schedule the

depositions of the Plaintiffs until November 3 and 5, 2008. Accordingly, the parties have agreed to, and seek Court approval of, the following amendments to the existing Scheduling Order:

- A. All discovery related to Plaintiffs' Anticipated Motion for Certification shall be completed no later than November 6, 2008.
- B. Defendants shall file their Response to Plaintiffs' Motion for Certification no later than December 11, 2008.
- C. Plaintiffs shall file their Reply, if any, to Defendants' Response to Plaintiffs' Motion for Certification no later than December 29, 2008.

Plaintiffs' deadline of November 3, 2008, for filing of their Motion for Certification will not change.

A proposed Order is attached hereto.

Respectfully submitted,

/s/ Jeffrey C. Londa
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**ATTORNEYS FOR DEFENDANTS
DELL INC. AND DELL MARKETING USA
L.P.**

CERTIFICATE OF CONFERENCE

As indicated above, this is an Agreed/Unopposed Motion. Accordingly, counsel for the parties have conferred and the parties are in agreement with respect to the entry of this Motion to Extend Discovery Deadline and Response and Reply Dates Related to Plaintiffs' Anticipated Motion for Certification.

/s/ Jeffrey C. Londa
Jeffrey C. Londa

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 2008, a copy of the foregoing pleading was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system and by regular U.S. mail to all counsel of record.

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